

ESTTA Tracking number: **ESTTA555556**

Filing date: **08/22/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211621
Party	Defendant LEWIS INNOVATIVE TECHNOLOGIES, INC.
Correspondence Address	STEWART L GITLER WELSH FLAXMAN & GITLER LLC 2000 DUKE ST STE 100 ALEXANDRIA, VA 22314-6101 mail@iplawsolutions.com
Submission	Answer
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Date	08/22/2013
Attachments	WFG-6204-O answer.pdf(91008 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of App. Serial No.: 85/596,097

Mark: PHANTON SENSOR

Published: March 19, 2013

Geomagic, Inc.

Opposer,

V.

Lewis Innovative Technologies, Inc.

Applicant.

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Opposition No. 91211621

APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

Lewis Innovative Technologies, Inc. (“Applicant”), a corporation organized and existing under the laws of Alabama, responds to the Notice of Opposition in the following manner:

1. Applicant admits the allegations of Paragraph 1.
2. Applicant admits the allegations of Paragraph 2.
3. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 3, and therefore denies same.
4. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 4, and therefore denies same.
5. Applicant denies the allegations in Paragraph 5.
6. Applicant denies the allegations in Paragraph 6.
7. Applicant denies the allegations in Paragraph 7.
8. Applicant denies the allegations in Paragraph 8.

9. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 9, and therefore denies same.

10. Applicant is without knowledge and information sufficient to form a belief as to Opposer's averment in Paragraph 10, and therefore denies same.

11. Applicant denies the allegations of Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

13. Applicant denies the allegations of Paragraph 13.

RELIEF SOUGHT

14. Opposer's marks, and Applicant's mark, are markedly dissimilar, they pass through different channels of trade, and more importantly, the services associated therewith are distinctly different and used by a different universe of sophisticated purchasers.

15. Applicant's mark was independently adopted and approved for registration by the Examining Attorney in charge of the application and consequently, the opposition should be dismissed, and Application Serial No. 85/596,097 should proceed to registration.

Respectfully submitted,

By Stewart L. Gitler

Stewart L. Gitler
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ATTORNEYS FOR APPLICANT
Lewis Innovative Technologies, Inc.

Date: 8/22/2013

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION, was served on Counsel for Opposer, by U.S. first-class mail, postage prepaid, this 22nd day of August, 2013, to:

**Devon E. White
Hutchison PLLC
Suite 300
3110 Edwards Mill Road
Raleigh, NC 27612**

By: 
Stewart L. Gitler